

**DEPARTMENT OF CONSUMER AFFAIRS
LEGISLATIVE DIGEST
2005 Legislative Session**

A. GENERAL CONSUMER PROTECTION

(1) BUSINESS PRACTICES

AB 139 Committee on Budget	<u>State Government</u> Deletes continuously appropriated funding to various Department of Consumer Affairs' boards/bureaus. Modifies the continuous appropriation language to the Medical Board's Medically Underserved Account by requiring that the monies are to repay loans per agreements with physicians who practice in underserved areas. (Urgency Measure)	Enacted Chapter 74
AB 173 Houston	<u>Liability: Immunity: Food and Beverages</u> Would limit the civil liability of food manufacturers, sellers and others in the food industry for claims resulting from an individual's obesity, weight gain, or health conditions related to obesity as a result of food consumption.	Two Year Bill
AB 175 Calderon	<u>Gift Cards: Multiple Sellers</u> Would require that a gift card usable with multiple sellers of goods or services clearly and conspicuously disclose its purchase price, any dormancy or regularly recurring maintenance or service fee, and the fee to obtain any remaining balance on that card, if applicable.	Two Year Bill
AB 180 Horton, Jerome	<u>Limited Liability Partnerships for Engineers and Land Surveyors</u> Would authorize limited liability partnerships and foreign limited liability partnerships to be formed for the practice of engineering or land surveying until January 1, 2009. Would require these partnerships to maintain a maximum security of \$7.5 million.	Two Year Bill
AB 205 Ruskin	<u>Identification of Dentures</u> Provides that instead of requiring dentures to be marked with the patient's name or social security number unless the patient objects, the dentures are to be marked with the patient's name. Requires the dentist to inform the patient that his or her name is to be used for identification purposes only, and he or she can decide whether or not the dentures are to be marked.	Enacted Chapter 182

AB 226 Bermudez	<u>Automotive Technology Education</u>	Two Year Bill
	Would create the Automotive Career and Technical Education Account in the Vehicle Inspection and Repair Fund of the Bureau of Automotive Repairs (Bureau). Would require the Bureau to work with an advisory committee in granting awards for automotive technology education and that school districts and community colleges receiving grants are to provide matching funds or equivalent resources. Would require each grant recipient to report to the Bureau and the Bureau to report to the Legislature on the grant program. Would provide a repeal date for the grant program as of January 1, 2013.	
AB 283 Koretz	<u>Ephedrine and Pseudoephedrine: Retail Sale Regulations</u>	Two Year Bill
	Would require a retailer to store any compound, mixture, preparation, or product that contains any detectable quantity of ephedrine, pseudoephedrine, or any derivative of ephedrine or pseudoephedrine, or any detectable quantity of salt, optical isomer, or salt of an optical isomer of ephedrine, pseudoephedrine, or any derivative of ephedrine or pseudoephedrine in a locked cabinet, or in such a manner that the product is accessible only with the assistance of the retailer or an employee of the retailer.	
AB 293 Maze	<u>Home Inspections</u>	Two Year Bill
	Would require a home inspector to provide certain written disclosures to a party on whose behalf a home inspection is being performed. Would make it an unfair business practice for a home inspector or company that employs a home inspector to fail to make those written disclosures or to disclose certain personal identifying information of persons involved in the inspection without that person's approval.	
AB 316 Nakanishi	<u>Contractors: Arbitration, Home Improvement, and Service/Repair Contracts</u>	Enacted Chapter 385
	Clarifies that a person who qualifies for a contractor's license on behalf of an individual or firm as a partner, responsible managing officer or responsible managing employee, and then disassociates from such a license that has been referred to arbitration, is still responsible for complying with an arbitration award rendered as a result of acts or omissions that occurred while this person was still associated with the license. Revises and recasts existing home improvement and service/repair contracts, consolidating many of the existing requirements for these contracts and setting forth the required information, notices and disclosures to be included as part of these contracts.	
AB 341 Daucher	<u>Works of Improvement: Disputed Amounts</u>	Enacted Chapter 156
	Would have revised existing law authorizing the withholding of disputed amounts owed to a contractor or subcontractor. The bill was later amended and now corrects a chaptering out that occurred earlier this year (2005) relating to the receipt of medical benefits under Medicare and Medi-Cal.	

AB 366 Maze	<u>Health Care Peer Reviews</u>	Two Year Bill
	Would clarify that a payment may be made to a hearing officer for services rendered without violating current law, which prohibits a hearing officer from having a direct financial benefit from the outcome of a hearing. Would provide that a hearing officer performing duties similar to those as required for employment in other proceedings is not grounds for disqualification.	
AB 425 Negrete McLeod	<u>Immigration Consultants: Information on Documents</u>	Two Year Bill
	Would require an immigration consultant to include his/her signature, business address and telephone number, and bond number on any form, document, petition, or correspondence prepared on behalf of a client.	
AB 446 Negrete McLeod	<u>Licensees: Settlement Agreements</u>	Vetoed
	Would have prohibited the use of gag clauses in the settlement of lawsuits against all licensed individuals regulated by the Department of Consumer Affairs.	
AB 450 Yee	<u>Violent Video Games: Sales to Minors</u>	Two Year Bill
	Would prohibit the sale or rental of violent video games, as defined, to persons 16 years of age or younger. Would also provide that a person who violates the bill's provisions shall be liable in an amount of up to \$1,000 for each violation.	
AB 485 Arambula	<u>Master Business License Center: Feasibility Study</u>	Two Year Bill
	Would require the State and Consumer Services Agency to conduct a feasibility study on the creation of a Master Business License Center.	
AB 497 Negrete McLeod	<u>Surety Bonds and License Fees for Nonresident Drug Wholesalers and Manufacturers</u>	Enacted Chapter 301
	Allows a nonresident wholesaler of pharmaceutical drugs to submit a single surety bond for all licensed distribution sites, excludes bond requirement for certain facilities, as well as reduces the application fee for wholesalers who have more than 20 facilities to \$225 which may be increased to \$300, for every location after the first 20 are licensed.	
AB 695 Mullin	<u>Return Policy Displays</u>	Two Year Bill
	Would require a retail seller to conspicuously display information about their return policy on signs posted at each public entrance or sales counter. Would require retail sellers to provide purchasers with a legible receipt.	
AB 718 Calderon	<u>Manual Capture of Data Contained on Driver's Licenses</u>	Two Year Bill
	Would authorize a retail seller to type, key in, or otherwise capture data from an individual's driver's license or identification card if the license or card is not readable through normal electronic means. Also, would allow the electronic swiping of the driver's license or identification card by specific sellers and for specific purposes.	

AB 859 Bass	<u>Medical Assistants' Authorized Activities</u>	Two Year Bill
	Would authorize a medical assistant to perform specific medical treatment activities in certain licensed clinics without a license but only with the authorization of a physician assistant, a nurse practitioner or nurse-midwife.	
AB 861 Bass	<u>Licensure Denial Exemptions</u>	Two Year Bill
	Would exempt Bureau of Automotive Repair, Board of Barbering and Cosmetology, Cemetery and Funeral Bureau, Bureau of Electronics and Appliance Repair, Bureau of Home Furnishings and Thermal Insulation and Structural Pest Control Board licensees from denial of licensure provisions for convictions of nonviolent drug possession or nonviolent or non-serious misdemeanors or felonies if specific requirements are met.	
AB 886 Committee on Business and Professions	<u>Home Inspectors: Clarification for Licensed Roofing Contractors</u>	Two Year Bill
	Would specify that repairs performed by a roofing contractor, licensed by the Contractors' State License Board, as a result of his or her roof inspection do not constitute an unfair business practice.	
AB 894 La Suer	<u>Licensed Professional Counselors</u>	Two Year Bill
	Would provide for the licensing and regulation of professional counselors by the Board of Behavioral Sciences (Board). Would add four members to the Board. Would enact various requirements for these counselors and would make a continuous appropriation from the Board fund to the Board.	
AB 1027 Horton, Jerome	<u>Criminal Investigation</u>	Enacted Chapter 428
	Establishes a procedure for the Contractors' State License Board (Board) to receive information about licensees who have failed to secure adequate insurance. Requires the Franchise Tax Board to notify the Board of any criminal charges or arraignments against Board licensees related to the Revenue and Taxation Code.	
AB 1082 Ruskin	<u>Mobile Phone Services: Consumer Protection Rules</u>	Two Year Bill
	Would state legislative intent to establish substantial consumer protections related to mobile telephony services, and establish additional protections related to information obtained by the telephone corporation about a consumer's social security number, credit history, personal financial information, e-mail address, and phone usage. This bill would require the Public Utilities Commission to establish these rules prior to July 1, 2006.	
AB 1104 Levine	<u>Video Provider Billing Practices</u>	Enacted Chapter 429
	Requires a cable operator or other video service provider to cease charging a customer for service within seven business days of receiving a request to discontinue service or by midnight of the last day of service if the customer provided seven or more business days notice before the date for the discontinuance of service.	

AB 1143 Emmerson	<u>Dentist Special Permits</u> Establishes 1) two alternate pathways for a dentist to apply for a special permit if he or she meets certain requirements and 2) a fee cap for the issuance and renewal of special permits. Requires 1) the Dental Board of California (Board) to limit the number of special permits issued under the new alternate pathways to no more than five permits per pathway per dental school and 2) that an applicant for a special permit furnish satisfactory evidence of successfully completing an examination in California law and ethics developed and administered by the Board.	Enacted Chapter 534
AB 1179 Yee	<u>Violent Video Games: Sales to Minors</u> Prohibits the sale or rental of video games that have been labeled as a violent video game, as defined, to anyone under the age of 18. Requires a label, with specified parameters, be affixed to all games that are classified as violent video games. Provides that a person who violates these provisions shall be liable in an amount of up to \$1,000 for each violation.	Enacted Chapter 638
AB 1268 Oropeza	<u>Advertising of Dental Specialty Credentials</u> Would repeal and recast provisions relating to the conditions under which a licensed dentist may advertise as a specialist or practicing in a specialty area.	Two Year Bill
AB 1334 Salinas	<u>Prescription Requirement for Registered Dental Hygienists in Alternative Practice</u> Would remove the prescription requirement for registered dental hygienists in alternative practice and expand alternative hygienists' scope of hiring and supervision to include registered dental assistants.	Two Year Bill
AB 1382 Nakanishi	<u>Contact Lenses: Advertising Restrictions</u> Would expand existing law to make the advertising or sales presentation relating to contact lenses that represents that contacts could be obtained without confirmation of a valid prescription a deceptive business practice when done by any person, not just specified health care professionals.	Two Year Bill
AB 1386 Laird	<u>Adult Oral Conscious Sedation for Dental Work</u> Requires dentists who want to administer or supervise the administration of oral conscious sedation on a patient 13 years or older to meet certain requirements. Requires dentists, who have been issued a permit to administer general anesthesia, to complete 24 hours of Dental Board approved courses of study related to general anesthesia instead of 15 hours.	Enacted Chapter 539
AB 1495 Canciamilla	<u>Confidentiality of Public Records Relating to Infrastructure Security</u> Exempts from the California Public Records Act's disclosure requirement defined infrastructure information that is voluntarily submitted to the California Office of Homeland Security. (Urgency Measure)	Enacted Chapter 476

AB 1622 Liu	<u>Retention Caps for Private Works of Improvement</u>	Vetoed
	Would have provided that retention proceeds withheld from private works of improvement, by the owner to the original contractor, or by the original contractor to a subcontractor, or by subcontractor to subcontractor, would have been limited to maximum retention rates of 10% of each progress payment before the contract is 50% complete, and 5% of each progress payment after the contract is 50% complete. Would have provided that retention proceeds must be paid, with interest, 45 days after the completion by the contractor or subcontractor.	
AB 1641 Harman	<u>Consumer Warranties</u>	2 Year Bill
	Would require the seller of a service contract on a home appliance or a home electronic product to honor its obligations under the contract for the full term of the contract as represented to the buyer at the time of purchase. Would provide that a seller's obligation under the contract may not be limited to a single product replacement or a maximum number of claims, and would provide that a service contract shall transfer to any replacement product that is replaced pursuant to a manufacturer's express warranty.	
AB 1735 De La Torre	<u>Cable Television: Price Competition</u>	Enacted Chapter 719
	Would have stated legislative intent to promote price competitions, broader consumer choice, and improved customer services in the cable television marketplace. The bill was later amended to change and adjust various effective dates of requirements to reduce Medi-Cal provider payments.	
SB 96 Murray	<u>Peer-to-Peer Networks: File Sharing Software</u>	Two Year Bill
	Would impose a fine of up to \$2,500 per copyright violation and a jail term of up to one year on anyone who sells, offers, advertises, distributes, disseminates, provides, or makes available file-sharing software without incorporating available filtering technology into that software to prevent its use for piracy. Would declare that this bill is to take effect immediately as an urgency statute.	
SB 228 Figueroa	<u>Geologists/Geophysicists and Professional Engineers/Land Surveyors</u>	Enacted Chapter 657
	Extends the sunsets dates for the Board of Professional Engineers and Land Surveyors and the Board for Geologists and Geophysicists from January 1, 2007 to January 1, 2009. Deletes the provision of existing law allowing a person to have temporary authorization to practice as a professional land surveyor if certain conditions and qualifications exist.	
SB 229 Figueroa	<u>Professions and Vocations</u>	Enacted Chapter 658
	Extends the sunset dates for the Board of Psychology, Board of Behavioral Sciences, Court Reporters Board, and the Structural Pest Control Board from January 1, 2007 to January 1, 2009. Imposes a processing fee for reinstatement of a Respiratory Care Board license that has been revoked, suspended or surrendered.	

SB 231 Figueroa	<u>Medical Board of California</u>	Enacted Chapter 674
	Extends the sunset date for the Medical Board (Board) from January 1, 2007 to January 1, 2011. Requires licensees to inform the Board when they are subject to various court judgments and convictions. Increases the Board's licensing fees and requires the Joint Committee on Boards, Commissions and Consumer Protection to examine the Board's composition and fees and report all findings to the Governor and Legislature no later than July 1, 2008.	
SB 232 Figueroa	<u>Boards and Commissions</u>	Enacted Chapter 675
	Extends the sunset date for the Board of Podiatric Medicine, the Speech-Language Pathology and Audiology Board, the Physician Assistant Committee, the Respiratory Care Board, and the Contractor's State License Board. Extends the sunset date on the provision that limits physicians serving in underserved areas from supervising more than four physician assistants at a time.	
SB 246 Figueroa	<u>Board for Professional Engineers and Land Surveyors</u>	Two Year Bill
	Would extend the sunset dates for the Board for Professional Engineers and Land Surveyors and the executive officer from January 1, 2007 to January 1, 2013. Would discontinue the existing agricultural, industrial and metallurgical engineering title acts and establish chemical, control systems, fire protection, nuclear, petroleum and traffic engineering as practice acts. <i>Portions of this bill were moved to SB 228.</i>	
SB 248 Figueroa	<u>Professions and Vocations</u>	Enacted Chapter 659
	Extends the sunset dates for the Dental Board and Committee on Dental Auxiliaries. Repeals and reconstitutes a new seven-member Acupuncture Board (Board) authorized until January 1, 2011, and allows the Board, with the approval of the Department of Consumer Affairs, to appoint an executive officer.	
SB 299 Chesbro	<u>Licensing of Out-of-State Dentists (Licensure by Credential)</u>	Two Year Bill
	Would remove the five-year active clinical experience requirement for two of three options offered for applicants seeking California licensure and replace it with a two-year requirement. Would restrict these two options to the location where the dentist has agreed to practice or teach/practice for two years, i.e., a primary care clinic or Dental Board of California approved dental education program.	
SB 307 Simitian	<u>Dextromethorphan: Sale to Minors Prohibited</u>	Two Year Bill
	Would prohibit the over-the-counter sale, without a prescription, of a non-prescription drug containing dextromethorphan to a person under 18 years of age.	

SB 582 Figueroa	<u>Shelf Placement Fees</u>	Two Year Bill
	Would require that retailers provide information to a vendor of a product regarding the discounts and stocking fees offered by other vendors to place similar products on the shelf. Would require retailers to share market information equally with all vendors.	
SB 636 Figueroa	<u>Credit Cards: Photo Identification Requirements</u>	Two Year Bill
	Would require that any retailer, as defined, must see photo identification for any in person transaction on business premises, and specify all of the procedures, exemptions, and penalties related to this requirement.	
SB 683 Aanestad	<u>Alternative Pathway to Dental Licensure</u>	Two Year Bill
	Would create an alternate pathway to licensure and allow dental license applicants to complete at least a one-year, clinically based, postdoctoral general practice or specialty dental residency program instead of taking the Dental Board's clinical examination.	
SB 747 Machado	<u>Abusive Tax Shelters and Tax Professional Discipline</u>	Two Year Bill
	Would increase penalties and professional reviews for aiders and abettors of abusive tax shelters. Also, would assess a minimum \$10,000 penalty for certain prohibited acts by tax preparers and tax shelter promoters. Additionally, would provide that being assessed a penalty for either promoting or aiding and abetting an abusive tax shelter is cause for attorney disbarment, certified public accountant decertification or tax preparer business prohibition.	
SB 802 Simitian	<u>Debit Card Receipts</u>	Enacted Chapter 445
	Prohibits a person or business that accepts credit cards or debit cards from printing more than the last five digits of a debit card account number or the expiration date upon any receipt, except as specified.	
SB 932 Kuehl	<u>Process for Hospital Physicians' and Surgeons' Peer Review</u>	Two Year Bill
	Would state the intent of the Legislature to ensure that the hospital peer review process is structured to protect the public as well as the oversight functions of hospitals and medical staff.	
SB 937 Aanestad	<u>Liability: Obesity</u>	Two Year Bill
	Would limit the civil liability of food manufacturers, sellers and others in the food industry for claims resulting from an individual's obesity, weight gain, or health conditions related to obesity as a result of food consumption.	
SB 986 Escutia	<u>Credit Reports: Employment Purposes</u>	Two Year Bill
	Would revise the definition of "employment purposes" related to the providing of consumer credit reports to require that when the report is used for "employment purposes" the information must be directly related to the skills necessary to perform the job.	

SB 1022 Campbell	<u>Limited Liability Companies</u>	Two Year Bill
-----------------------------	---	----------------------

Would authorize the formation of professional limited liability companies to provide specific professional services and require these companies to meet certain requirements.

SB 1068 Escutia	<u>Telecommunications: Consumer Protection Rules</u>	Two Year Bill
----------------------------	---	----------------------

Would require the Public Utilities Commission (PUC) to establish and enforce various consumer protection rules by July 1, 2006. If the PUC fails to establish their own rules by this date, then the requirements set forth in this bill would become effective and the PUC would no longer be able to establish their own rules.

SB 1111 Committee on Business, Professions and Economic Development	<u>Health Omnibus</u>	Enacted Chapter 621
--	------------------------------	--------------------------------

Enacts, amends or repeals provisions relating to the following Department of Consumer Affairs boards: 1) Dental Board of California, 2) Medical Board of California, 3) Board of Podiatric Medicine, 4) California Board of Occupational Therapy 5) Board of Registered Nursing, 6) Respiratory Care Board, 7) Board of Pharmacy and 8) Veterinary Medical Board. Among the more substantive provisions, provides new fees for the Dental Board of California's new specialty dental assisting categories, and a decrease in the Board of Pharmacy's licensing fee for out of state wholesaler facilities who have more than 20 locations in California.

(2) COURT SYSTEM AND LEGAL SERVICES

AB 173 Houston	<u>Liability: Immunity: Food and Beverages</u>	Two Year Bill
---------------------------	---	----------------------

Would limit the civil liability of food manufacturers, sellers and others in the food industry for claims resulting from an individual's obesity, weight gain, or health conditions related to obesity as a result of food consumption.

AB 238 Harman	<u>Fraudulent Transfers of Personal Property</u>	Enacted Chapter 43
--------------------------	---	-------------------------------

Prevents a potential conflict between certain provisions of the Civil Code and the Government Tort Claims Act by exempting governmental entities from a Civil Code provision that requires a change in possession of property in order for the property to be exempt from judgement by creditors.

AB 248 Tran	<u>Fraudulent Transfers</u>	Enacted Chapter 34
------------------------	------------------------------------	-------------------------------

Makes technical corrections to the California version of the federal Uniform Fraudulent Transfers Act, in order to provide consistency with the federal law. **(Urgency Measure)**

AB 278 Bogh	<u>Commercial Mail Receiving Agencies</u>	Two Year Bill
	Would require a commercial mail receiving agency to obtain a customer's thumbprint and those thumbprints' of other authorized users. Would prohibit a commercial mail receiving agency from releasing thumbprint identification to any entity other than the Department of Consumer Affairs or law enforcement agencies and would require probable cause before such information is released.	
AB 341 Daucher	<u>Works of Improvement: Disputed Amounts</u>	Enacted Chapter 156
	Would have revised existing law authorizing the withholding of disputed amounts owed to a contractor or subcontractor. The bill was later amended and now corrects a chaptering out that occurred earlier this year (2005) relating to the receipt of medical benefits under Medicare and Medi-Cal.	
AB 366 Maze	<u>Health Care Peer Reviews</u>	Two Year Bill
	Would clarify that a payment may be made to a hearing officer for services rendered without violating current law, which prohibits a hearing officer from having a direct financial benefit from the outcome of a hearing. Would provide that a hearing officer performing duties similar to those as required for employment in other proceedings is not grounds for disqualification.	
AB 481 Calderon	<u>Repossessionors</u>	Vetoed
	Would have provided that a repossessionor has no obligation to determine whether an accessory or equipment is a personal effect. Would have authorized the party in possession of the collateral at the time of the repossession to waive the debtor's right to an inventory of personal effects and allow the collateral to be taken. Would have prohibited any person from interfering, as defined in the Penal code, with a repossessionor once the repossession is complete. Would have further defined repossession as complete when the repossessionor gains access to or entrance into the collateral.	
AB 496 Aghazarian	<u>Service of Process Registration Requirements</u>	Enacted Chapter 300
	Makes various changes to the service of process registration requirements and other procedures to clarify the existing law and avoid some confusion that has been created by the existing law.	
AB 552 La Suer	<u>Structural Pest Control: Timelines for Notices and Actions</u>	Two Year Bill
	Would require that the lead agency charging a person with pesticide misuse, either the county agricultural commissioner or the Structural Pest Control Board, to send a notice of proposed action within 60 days of the initial notice of violation. Also, would provide that if the proposed action is not taken within 90 days after specific dates, the citation shall be dismissed with prejudice.	

AB 618 Cogdill	<u>Identity Theft</u>	Two Year Bill
	Would provide that a second or subsequent conviction of identity theft is punishable by imprisonment in state prison for up to four years. Would clarify that those convicted of identity theft are also guilty of grand theft, which is punishable by imprisonment in a county jail up to one year or state prison.	
AB 664 Jones	<u>State Bar: Applicant Identification Numbers</u>	Enacted Chapter 610
	Allows specified applicants for a new or renewed license with the California State Bar to provide an alternate identification number in lieu of a social security number if they are unable to obtain one. Also, allows the named defendants in an eviction action to receive notice containing a name and phone number for qualified alternate legal service projects.	
AB 843 Nunez	<u>Refund Anticipation Loans and Tax Preparers</u>	Enacted Chapter 396
	Prohibits a tax preparer from representing the availability of a refund anticipation loan as a client's actual refund. Requires a tax preparer that offers to facilitate this type of loan to provide the client with a specified written disclosure that includes the amount of a fee that would be charged, if any, if the client's loan is not approved. Requires that all disclosure documents comply with current law regarding translation of documents for those who primarily negotiate in Spanish, Chinese, Tagalog, Vietnamese or Korean.	
AB 861 Bass	<u>Licensure Denial Exemptions</u>	Two Year Bill
	Would exempt Bureau of Automotive Repair, Board of Barbering and Cosmetology, Cemetery and Funeral Bureau, Bureau of Electronics and Appliance Repair, Bureau of Home Furnishings and Thermal Insulation and Structural Pest Control Board licensees from denial of licensure provisions for convictions of nonviolent drug possession or nonviolent or non-serious misdemeanors or felonies if specific requirements are met.	
AB 928 Horton, Jerome	<u>Attorney's Fees</u>	Two Year Bill
	Would require that if a court has established an attorney fee schedule, the prevailing party in a collection action based on certain contracts would be awarded attorney's fees in an amount that is equal to 25% of the first \$4,000 of the principal obligation owed under the contract when the debtor is a business entity.	
AB 1036 Koretz	<u>Identity Theft</u>	Two Year Bill
	Would expand the definition of identity theft to include unauthorized retention and transfer of personal identifying information. Would also add the county of the victim's residence to the jurisdiction where a criminal action may be brought for such crimes.	

AB 1069 Montanez	<u>Deceptive Identification Documents</u>	Enacted Chapter 326
	Makes it a misdemeanor crime to possess deceptive identification document-making devices with the intent that the devices will be used to manufacture, alter, or authenticate a deceptive identification document. Allows document-making devices to be seized by and forfeited to or destroyed by law enforcement upon a court order.	
AB 1351 Vargas	<u>Office of Administrative Law</u>	Vetoed
	Would have developed a process and regulations for determining underground regulations and further defined emergency regulation procedures. This bill was later amended to permit the San Diego Regional Airport Authority to issue notes, commercial paper notes or any other type of obligation allowable by law.	
AB 1459 Canciamilla	<u>Increased Jurisdictional Limit for Small Claims</u>	Enacted Chapter 618
	Increases the small claims court jurisdictional limit from \$5,000 to \$7,500. Provides that, effective July 1, 2006, each temporary judge must take a course of study offered by the court prior to serving and states that courts may receive assistance from the Department of Consumer Affairs on substantive law as it is fiscally able to provide such assistance. Provides that individual personal advisory services provided to small claims litigants must cover specified topics relating to small claims court rules, filings and procedures.	
AB 1495 Canciamilla	<u>Confidentiality of Public Records Relating to Infrastructure Security</u>	Enacted Chapter 476
	Exempts from the California Public Records Act's disclosure requirement defined infrastructure information that is voluntarily submitted to the California Office of Homeland Security. (Urgency Measure)	
AB 1529 Jones	<u>State Bar: Membership Fees</u>	Enacted Chapter 341
	Extends the existing fee assessment authority of the State Bar of California (Bar) for the next two years (2006 and 2007) and authorizes the Bar to increase some supplementary fees and general fees for its members. Also, authorizes the Bar to revise the fee scaling, and authorizes the Bar to settle for partial collection of Client Security Fund payments.	
AB 1539 Bass	<u>Notaries Public: Elder Abuse Reporting</u>	Two Year Bill
	Would require a notary public to notify law enforcement authorities if he or she believes that a signer of a quit claim deed is doing so under coercion or undue influence or is unaware of the purpose of the quit claim deed.	
AB 1581 Garcia	<u>Identity Theft: Alternate Felony-Misdemeanor</u>	Two Year Bill
	Would create a new alternate felony-misdemeanor for a person who intends to defraud, acquire, retain or transfer the personal identifying information of 100 or more people.	

AB 1739 Committee on Judiciary	<u>California Commission on Access to Justice: Report on Access to Legal Services</u>	Vetoed
	Would have required the California Commission on Access to Justice to issue a written report on or before January 1, 2007, to the Legislature regarding its recommendations for specific actions that will assist the State Bar of California, the Judicial Council of California, the California Supreme Court and the Legislature in ensuring equal access to justice for poor and disadvantaged residents of California.	
SB 158 Machado	<u>Powers of Attorney: Social Security Numbers</u>	Enacted Chapter 251
	Revises the statutory form power of attorney (power of attorney form) by removing the line requiring the social security number of the person designating power of attorney. Would also include a statement on the form that a third party may seek identification.	
SB 262 Dunn	<u>Restraints on Competition</u>	Two Year Bill
	Would have expressed the Legislature's intent to examine existing law, the Cartwright Act, prohibiting restraints on competition to determine whether the provisions sufficiently prevent anti-competitive activity and protect consumer choice. The bill was later amended and now would make the State Bar of California's Committee on Bar Examiners responsible for the regulation and oversight of unaccredited law schools.	
SB 422 Simitian	<u>Increased Jurisdictional Limit for Small Claims</u>	Enacted Chapter 600
	Increases the small claims court jurisdictional limit from \$5,000 to \$7,500. Provides that, effective July 1, 2006, each temporary judge must take a course of study offered by the court prior to serving and states that courts may receive assistance from the Department of Consumer Affairs on substantive law as it is fiscally able to provide such assistance. Provides that individual personal advisory services provided to small claims litigants must cover specified topics relating to small claims court rules, filings and procedures.	
SB 747 Machado	<u>Abusive Tax Shelters and Tax Professional Discipline</u>	Two Year Bill
	Would increase penalties and professional reviews for aiders and abettors of abusive tax shelters. Also, would assess a minimum \$10,000 penalty for certain prohibited acts by tax preparers and tax shelter promoters. Additionally, would provide that being assessed a penalty for either promoting or aiding and abetting an abusive tax shelter is cause for attorney disbarment, certified public accountant decertification or tax preparer business prohibition.	

**SB 894
Dunn**

Practice of Law

**Enacted
Chapter 273**

Authorizes the State Bar to pursue, in conjunction with the Superior Court, unauthorized practice of law by non-attorneys using the same civil remedies applied to former State Bar attorneys. Allows attorneys who have participated in the Attorney Diversion and Assistance Program and been placed by the State Bar Court on inactive status and complied with any and all probation conditions to receive credit for periods of inactive enrollment in the State Bar towards any suspension imposed by the State Supreme Court.

**SB 937
Aanestad**

Liability: Obesity

Two Year Bill

Would limit the civil liability of food manufacturers, sellers and others in the food industry for claims resulting from an individual's obesity, weight gain, or health conditions related to obesity as a result of food consumption.

(3) INTERNET / e-COMMERCE / e-GOVERNMENT

**AB 516
Yee**

Clarification of Prohibitions for Referring Patients for a Service

Two Year Bill

Would specify that, for magnetic resonance imaging, computed axial tomography scan, or positron emission tomography scan, the exemption from prohibition for referring a patient for a service for which the licensee has a financial interest only applies to a radiologist group practice or an office consisting solely of one or more radiologists.

**AB 1035
Spitzer**

Public Officials: Disclosing Residence Information

Two Year Bill

Would expand current law to prohibit any person from knowingly posting on the internet, hosting a web site that posts, or disclosing a public official's home address or telephone number. Would allow an official who is a victim of these provisions to recover actual damages and punitive damages, and other relief that a court deems appropriate.

**AB 1595
Evans**

Public Officials: Disclosing Personal Information

**Enacted
Chapter 343**

Expands existing law prohibiting posting public official's personal information on the Internet with the intent to cause bodily harm to also prohibit the public posting and displaying of this information if the official has made a written request that the information not be disclosed. Also expands the law to prohibit soliciting, selling, or trading this information on the Internet with the intent to cause bodily harm, and allows the official recourse through court orders and civil penalties if the official's personal information is solicited, sold, or traded with the intent to cause bodily harm.

**SB 92
Murray**

Computer Spyware: Penalties

Two Year Bill

Would provide a right of civil action and misdemeanor penalties for violations of the Consumer Protection Against Computer Spyware Act, and exempt anti-spyware providers from liability if the providers meet certain requirements.

SB 96
Murray

Peer-to-Peer Networks: File Sharing Software

Two Year Bill

Would impose a fine of up to \$2,500 per copyright violation and a jail term of up to one year on anyone who sells, offers, advertises, distributes, disseminates, provides, or makes available file-sharing software without incorporating available filtering technology into that software to prevent its use for piracy. Would declare that this bill is to take effect immediately as an urgency statute.

SB 97
Murray

Spam: Enhanced Criminal Penalties

Enacted
Chapter 247

Provides that a person who violates California's anti-spam law by sending unsolicited commercial electronic mail ("spam"), has committed a misdemeanor punishable by a fine of not more than \$1,000, imprisonment in a county jail for not more than six months, or by both the fine and imprisonment.

SB 355
Murray

Internet Regulation

Enacted
Chapter 437

Prohibits Internet "phishing" and provides for civil remedies and civil penalties. Specifically, prohibits a person from soliciting, requesting, or taking any action to induce another person to provide identifying information by representing him or herself to be a business without the approval of that business.

SB 833
Bowen

Unsolicited Advertising Faxes

Enacted
Chapter 667

Makes it illegal to fax commercial advertisements that are unsolicited or that do not provide certain identifying information about the sender. Authorizes recipients of such faxes to bring legal action for injunctive relief, actual damages or statutory damages (of \$500 per violation) and, if the violation was willful, would authorize a court to award treble damages.

(4) LANDLORD-TENANT / COMMON INTEREST DEVELOPMENTS

AB 14
Harman

Property Tax: Assignment of Parcel Numbers

Enacted
Chapter 281

Prohibits a county assessor from assigning parcel numbers or preparing a separate assessment or separate valuation to divide any existing residential properties until a subdivision final map or parcel map has been recorded.

**AB 619
Leslie**

Common Interest Developments: Assessments

Two Year Bill

Would make changes to the procedures that associations managing common interest developments (CIDs) follow regarding notification and collection of late homeowner assessments. Specifically, the bill would 1) provide that the statutorily required CID assessment notices sent prior to the beginning of the CID's fiscal year shall include timeframes upon which various fees and costs will be incurred and collected; 2) require that any notice of delinquent assessment include a payment plan request form and would require the CID association to offer the payment plan to the homeowner if requested; 3) require a CID association to send copies of all notices to the homeowner's primary address, as well as to any secondary address, if provided, as specified; require any notice of default be served upon the homeowner according to specified methods; and 4) provide that the bill would become operative only if SB 137 (Ducheny) is also enacted. ***Certain provisions of this bill were incorporated into SB 137.***

**AB 770
Mullin**

Common Interest Developments: Ombudsperson

Two Year Bill

Would establish an Office of the Common Interest Development Ombudsperson (Ombudsperson) within the Department of Consumer Affairs, to be funded by a fee on common interest development (CID) associations. The Ombudsperson would be required, among other things, to do the following: offer training materials and courses to CID directors, officers, and owners, in subjects relevant to the operation of a CID and on the rights and duties of an association or owner; maintain a toll-free telephone number and Internet Web site for purposes of further providing that information and assistance; and provide assistance in resolving CID disputes.

**AB 1098
Jones**

Common Interest Developments: Access to Records

**Enacted
Chapter 458**

Establishes rules for access to association records in a common interest development and for actions by the association to grant exclusive use of the common area of the development to individual members. Becomes operative only if SB 61 is enacted and becomes effective on or before January 1, 2006.

**AB 1323
Vargas**

Landlord/Tenant: Registered Sex Offenders

**Enacted
Chapter 722**

Updates provisions of "Megan's Law" in order to conform to newly enacted provisions which require the Department of Justice to post sex offender registration information on the Internet. Among other things, requires landlord/tenant lease and rental contracts, as well as residential real property sales contracts to indicate that "Megan's Law" information can be found at the Department of Justice Web site.

**AB 1754
Committee
on Housing
and
Community
Developmen
t**

Common Interest Developments: Documents to Members

**Enacted
Chapter 348**

Corrects drafting errors in the law concerning which documents associations governing common interest developments (CID) must prepare and distribute to CID members.

SB 51 Kuehl	<u>Real Property: Rentals</u>	Two Year Bill
	Would extend existing law that requires rental property owners to give long-term tenants a 60-day notice prior to terminating the tenancy from January 1, 2006 to January 1, 2009.	
SB 61 Battin	<u>Common Interest Developments: Elections</u>	Enacted Chapter 450
	Establishes procedures for elections in common interest developments and provides civil remedies for violations of those procedures. Provides that the bill will only become operative if AB 1098 (Jones, Chapter 458) is enacted and becomes effective on or before January 1, 2006.	
SB 137 Ducheny	<u>Common Interest Developments: Assessments</u>	Enacted Chapter 452
	Enacts numerous changes to the Davis-Stirling Common Interest Development Act. Most significantly, this bill 1) revises procedures for a common interest development (CID) association to collect delinquent assessments; 2) requires CID associations to send any and all correspondence and specified legal notices to both a primary and secondary address, as specified, if the owner provides written notice of the secondary address; and 3) requires, to the extent existing funds are available, the Department of Consumer Affairs and the Department of Real Estate to develop an on-line education course for the board of directors of a CID association regarding the role, duties, laws, and responsibilities of board members and prospective board members and the nonjudicial foreclosure process.	
SB 186 Battin	<u>Common Interest Developments: Elections</u>	Enacted Chapter 594
	Would have 1) prohibited the use of common interest development (CID) association funds for "campaign purposes," as defined, in connection with any association election; and 2) permitted a homeowner to bring a civil action for a CID election procedure violation, as specified. The bill was subsequently amended to authorize the relinquishment of portions of State Route 74 to the City of Palm Desert and respective portions of SR 111 to the Cities of Indian Wells, Palm Desert, and Indio pending approval by the California Transportation Commission and other conditions.	
SB 540 Kehoe	<u>Tenancy: Signs and Flags</u>	Two Year Bill
	Would prohibit a landlord from prohibiting a tenant from posting or displaying noncommercial signs, posters, flags, or banners, unless the posting or display would violate a local, state or federal law.	

SB 551 Lowenthal	<u>Common Interest Developments: Ombudsperson</u>	Two Year Bill
	Would establish an Office of the Common Interest Development Ombudsperson (Ombudsperson) within the Department of Consumer Affairs, to be funded by a fee on common interest development (CID) associations. The Ombudsperson would be required, among other things, to do the following: offer training materials and courses to CID directors, officers, and owners, in subjects relevant to the operation of a CID and on the rights and duties of an association or owner; maintain a toll-free telephone number and Internet Website for purposes of further providing that information and assistance; and provide assistance in resolving CID disputes.	
SB 735 Torlakson	<u>Landlord/Tenant: Trespassing</u>	Vetoed
	Would have specified that lawful labor activities on any tenant property are exempt from criminal trespass law.	
SB 853 Kehoe	<u>Common Interest Developments: Architectural Decisions</u>	Enacted Chapter 37
	Specifies that an existing requirement that a decision on a proposed architectural change may not violate any governing provision of law, as described, is not affected by contrary provisions in a common interest development association's governing documents.	
(5) MISCELLANEOUS CONSUMER ISSUES		
AB 68 Montanez	<u>Car Buyer's Bill of Rights</u>	Enacted Chapter 128
	Enacts the Car Buyer's Bill of Rights. These rights include, but are not limited to: 1) providing that the buyer of a used car having a purchase price of less than \$40,000 has a right to a contract cancellation option agreement; 2) making it a violation of the Vehicle Code for a dealer to advertise for sale or sell a used vehicle as "certified," unless the vehicle meets certain specified standards; 3) requiring, under specified circumstances, that the seller must disclose the buyer's credit score; providing that dealers be required to cap their finance rate markups, as specified; 4) providing that dealers must notify buyers of the cash price and the financing cost of any extra items; and 5) prohibiting dealers from negotiating the terms of a vehicle sale or lease contract and then adding charges to the contract for any goods or services without previously disclosing the costs to the buyer of the goods and services to be added and obtaining the buyer's consent; or inflating the amount of any installment payment or down payment; or extending the maturity of a sale or lease contract for the purpose of disguising the actual charges for goods or services to be added by the dealer to the contract.	
AB 288 Mountjoy	<u>Pharmacies: Prescription Container Labeling</u>	Two Year Bill
	Would require prescription labels to include the condition for which a drug is prescribed, unless the patient, physician, or a parent or legal guardian of a minor patient requests that the information be omitted.	

AB 293 Maze	<u>Home Inspections</u>	Two Year Bill
	Would require a home inspector to provide certain written disclosures to a party on whose behalf a home inspection is being performed. Would make it an unfair business practice for a home inspector or company that employs a home inspector to fail to make those written disclosures or to disclose certain personal identifying information of persons involved in the inspection without that person's approval.	
AB 303 Calderon	<u>Concierge Insurance Program</u>	Two Year Bill
	Would allow a vehicle owner to authorize their insurer to act on his or her behalf to arrange vehicle repairs. Insurers would be required to supply claimants with a rental car during repairs, and to allow the owner to inspect and approve repairs upon completion.	
AB 361 Runner, Sharon	<u>Notaries Public: Identity Theft</u>	Enacted Chapter 295
	Requires a court to revoke a notary public's commission upon conviction of any offense related to his or her duties, or of any felony, and requires the surrender of his or her seal to the court. Also makes it a misdemeanor for any person to solicit, coerce, or influence a notary public to perform an improper notarial act, and for a notary public to willfully fail to perform the required duties of a notary public or to willfully fail to keep the seal of the notary under his or her direct and exclusive control.	
AB 366 Maze	<u>Health Care Peer Reviews</u>	Two Year Bill
	Would clarify that a payment may be made to a hearing officer for services rendered without violating current law, which prohibits a hearing officer from having a direct financial benefit from the outcome of a hearing. Would provide that a hearing officer performing duties similar to those as required for employment in other proceedings is not grounds for disqualification.	
AB 481 Calderon	<u>Repossessors</u>	Vetoed
	Would have provided that a reposessor has no obligation to determine whether an accessory or equipment is a personal effect. Would have authorized the party in possession of the collateral at the time of the repossession to waive the debtor's right to an inventory of personal effects and allow the collateral to be taken. Would have prohibited any person from interfering, as defined in the Penal code, with a reposessor once the repossession is complete. Would have further defined repossession as complete when the reposessor gains access to or entrance into the collateral.	

AB 594 Karnette	<u>Rent-to-Own Transactions</u>	Two Year Bill
	Would revise the types of evidence a retailer can use to set their “cash price,” with regard to rent-to-own transactions, by deleting a provision that allows the cash price to be based on a manufacturer’s suggested retail price.	
AB 602 Spitzer	<u>Health Studios</u>	Two Year Bill
	Would provide, when a health studio facility is transferred or sold to another health studio, that consumers of the health studio facility shall be given the option of receiving a refund of their remaining payments on the contract or entering into a new contract on the same terms with the new owners of the facility.	
AB 646 Runner, Sharon	<u>Body Piercing: Minors</u>	Enacted Chapter 307
	Reinstates the law that sunset on January 1, 2005, which created an infraction with a maximum penalty of \$250 for performing body piercing, excluding ear piercing, on a minor without parental consent.	
AB 695 Mullin	<u>Return Policy Displays</u>	Two Year Bill
	Would require a retail seller to conspicuously display information about their return policy on signs posted at each public entrance or sales counter. Would require retail sellers to provide purchasers with a legible receipt.	
AB 843 Nunez	<u>Refund Anticipation Loans and Tax Preparers</u>	Enacted Chapter 396
	Prohibits a tax preparer from representing the availability of a refund anticipation loan as a client's actual refund. Requires a tax preparer that offers to facilitate this type of loan to provide the client with a specified written disclosure that includes the amount of a fee that would be charged, if any, if the client’s loan is not approved. Requires that all disclosure documents comply with current law regarding translation of documents for those who primarily negotiate in Spanish, Chinese, Tagalog, Vietnamese or Korean.	
AB 852 Leno	<u>Board of Pilot Commissioners: Pilot Boat Surcharges</u>	Enacted Chapter 129
	Allows funds collected for new pilot boat acquisition to be also used for "design and engineering modifications" to extend the service life of existing pilot boats, excluding costs for maintenance and repair. Specifies that any proceeds from the sale of existing pilot boats must be used to pay down any debt associated with the modification of pilot boats. Authorizes the Board of Bar Pilot Commissioners to adjust a pilot boat surcharge to reflect any associated operational savings resulting from the modification of pilot boats, including, but not limited to, reduced repairs and maintenance expenses.	
AB 886 Committee on Business and Professions	<u>Home Inspectors: Clarification for Licensed Roofing Contractors</u>	Two Year Bill
	Would specify that repairs performed by a roofing contractor, licensed by the Contractors’ State License Board, as a result of his or her roof inspection do not constitute an unfair business practice.	

AB 920 Aghazarian	<u>California Physicians Corps Program</u> Moves the Steven M. Thompson Physician Corps Loan Repayment Program and the Volunteer Physician Program from the Medical Board of California to the Health Professions Education Foundation within the Office of Statewide Health Planning and Development as of July 1, 2006.	Enacted Chapter 317
AB 987 Frommer	<u>Vehicle Rental Agreements: Disclosures</u> Continues a provision of law that allows rental car companies to exempt members of the company's membership program from oral disclosure requirements stating that the company's damage waiver policies may be duplicative of coverage that the customer maintains under his or her own policy of motor vehicle insurance. This waiver provision is set to repeal on January 1, 2006, at which time rental car companies would be required to provide the oral disclosure. Provides that contracts for renters who are not members of the rental car companies membership program include a clear and conspicuous written disclosure that the damage waiver may be duplicative of coverage that the customer maintains under his or her own policy of motor vehicle insurance.	Enacted Chapter 82
AB 1069 Montanez	<u>Deceptive Identification Documents</u> Makes it a misdemeanor crime to possess deceptive identification document-making devices with the intent that the devices will be used to manufacture, alter, or authenticate a deceptive identification document. Allows document-making devices to be seized by and forfeited to or destroyed by law enforcement upon a court order.	Enacted Chapter 326
AB 1178 Yee	<u>Secondhand Dealers and Pawnbrokers</u> Would provide for the creation of an electronic data reporting system within the Department of Justice by January 1, 2008, that would receive reports of tangible personal property acquired by secondhand dealers and pawnbrokers and would specify licensing fees that are to be used to fund the creation and maintenance of the electronic data reporting system.	Two Year Bill
AB 1351 Vargas	<u>Office of Administrative Law</u> Would have developed a process and regulations for determining underground regulations and further defined emergency regulation procedures. This bill was later amended to permit the San Diego Regional Airport Authority to issue notes, commercial paper notes or any other type of obligation allowable by law.	Vetoed

AB 1459 Canciamilla	<u>Increased Jurisdictional Limit for Small Claims</u>	Enacted Chapter 618
	Increases the small claims court jurisdictional limit from \$5,000 to \$7,500. Provides that, effective July 1, 2006, each temporary judge must take a course of study offered by the court prior to serving and states that courts may receive assistance from the Department of Consumer Affairs on substantive law as it is fiscally able to provide such assistance. Provides that individual personal advisory services provided to small claims litigants must cover specified topics relating to small claims court rules, filings and procedures.	
AB 1539 Bass	<u>Notaries Public: Elder Abuse Reporting</u>	Two Year Bill
	Would require a notary public to notify law enforcement authorities if he or she believes that a signer of a quit claim deed is doing so under coercion or undue influence or is unaware of the purpose of the quit claim deed.	
AB 1641 Harman	<u>Consumer Warranties</u>	Two Year Bill
	Would require the seller of a service contract on a home appliance or a home electronic product to honor its obligations under the contract for the full term of the contract as represented to the buyer at the time of purchase. Would provide that a seller's obligation under the contract may not be limited to a single product replacement or a maximum number of claims, and would provide that a service contract shall transfer to any replacement product that is replaced pursuant to a manufacturer's express warranty.	
AB 1700 Pavley	<u>Secrecy Agreements: Public Dangers</u>	Two Year Bill
	Would ensure that information revealed in a lawsuit about the existence of a serious public danger shall be presumed to be public information and may not be kept secret. This would include information regarding defective products, environmental hazards, and dangerous individuals that have caused and are likely to cause substantial injury or death. Would specifically create an exemption for trade secrets, privileged communications, and other information a court deems should be protected.	
SB 101 Battin	<u>Employee Compensation: Identification Number</u>	Enacted Chapter103
	Prohibits an employer from including more than the last four digits of an employee's social security number or other identification number on the employee's itemized statement furnished at the time of payment of wages to an employee.	
SB 247 Figueroa	<u>The Boxing Act</u>	Two Year Bill
	Would repeal the State Athletic Commission (Commission) as of January 1, 2006 and repeal other related provisions. Would require the State Athletic Commissioner to appoint an advisory to advise the Director and State Athletic Commissioner concerning the administration, licensing and enforcement of the Boxing Act.	

**SB 263
Speier**

Sellers of Travel: Penalties and Prohibitions

Two Year Bill

Would expand the Sellers of Travel law to include land and water based travel. Would increase consumer protections by restricting the Travel Consumer Restitution Fund's ability to deny claims from aggrieved consumers, facilitating prompt refunds, and restricting the sale of discount travel clubs. Would require the Attorney General to suspend the registration of any person convicted of a felony violation of the Sellers of Travel law and prohibit that person from registering as a seller of travel and from participating in the Travel Consumer Restitution Fund for seven years.

**SB 389
Morrow**

Automated Teller Machine Fees: Foreign Cardholders

**Enacted
Chapter 256**

Provides that subject to the surcharge disclosure requirement, an agreement to operate an automated teller machine (ATM) may not prohibit the operator or owner from charging an access fee for customers conducting a transaction using an account from a foreign financial institution; and specifies that these provisions do not prohibit or limit the ability of an ATM operator or owner to voluntarily enter into an agreement regarding participation in a surcharge free network.

**SB 412
Figueroa**

Massage Therapy

Two Year Bill

Would create the nonprofit Massage Therapy Organization, delegating authority and outlining specific requirements, for the purpose of issuing certificates to massage therapists and massage practitioners, provided they meet certain qualifications, as defined. These provisions would sunset January 1, 2010.

**SB 422
Simitian**

Increased Jurisdictional Limit For Small Claims

**Enacted
Chapter 600**

Increases the small claims court jurisdictional limit from \$5,000 to \$7,500. Provides that, effective July 1, 2006, each temporary judge must take a course of study offered by the court prior to serving and states that courts may receive assistance from the Department of Consumer Affairs on substantive law as it is fiscally able to provide such assistance. Provides that individual personal advisory services provided to small claims litigants must cover specified topics relating to small claims court rules, filings and procedures.

**SB 460
Margett**

Offenders' Access to Personal Identifying Information

**Enacted
Chapter 259**

Prohibits any offender confined in a county facility or the Department of Corrections and Rehabilitation from being employed in or performing any work that grants them access to the personal identifying information of private citizens.

SB 495
Vincent

Traveling Carnivals

Two Year Bill

Would require a person who is injured on an amusement ride to the extent that medical attention for the injury is required to notify the carnival operator; require a traveling carnival that is notified of an injury to report the injury to the Department of Consumer Affairs and send a copy of the injury report to the injured person; and provide for criminal penalties for carnivals and operators who violate the bill's provisions.

SB 504
Alquist

Identity Theft Related to Purchases from Vehicle Dealerships

Two Year Bill

Would prohibit a licensed motor vehicle dealer from selling or leasing a vehicle through long term financing or credit card without first obtaining the right-hand thumbprint, with specific exceptions, and a valid photo identification of the purchaser/lessee. Would authorize a peace officer to inspect and seize a thumbprint or fingerprint card if the officer is acting within his/her scope of duties in response to a search warrant.

SB 577
Figueroa

State Government Operations and Accountability

Vetoed

Would have required all state agencies, to the extent feasible, to participate in the Cal-Card program for purchases up to \$5,000 as well as, use the State Contract and Procurement Registration System, and the California Automated Travel Expense Reimbursement System. Also, would have required all state construction projects beginning after January 1, 2006 and funded with state money to consider whether an owner controlled insurance program might reduce costs without hindering the construction project. Additionally, would have required the Governor to create and implement a pilot volunteer leave program by July 1, 2006 for state employees.

SB 581
Figueroa

Health Studio Contracts: Fees and Cancellation Rights

Enacted
Chapter 439

Makes various changes to health studio (i.e., health club) contract law, including 1) changing the timeframe, depending on the total amount of the contract, in which consumers may cancel a contract and get a pro-rated refund; 2) changing the amount a health studio may charge as part of the contract; and 3) requiring that facilities that have not yet opened must hold moneys received in trust.

**SB 637
Speier**

Motor Vehicle Sales

Two Year Bill

Would 1) prohibit a car dealer from advertising a used vehicle as "certified" or any other descriptive term that implies the vehicle has been certified to meet the terms of a used vehicle certification program, unless, among other requirements, the vehicle has been inspected by the dealer and the dealer certifies that vehicle is free of any damage that substantially impairs its use or safety; 2) provide, when a seller assigns or sells a conditional sale contract, the amount of money the seller is allowed to receive from the assignment, with specified exceptions, is limited as specified; 3) require car dealers who finance a motor vehicle sale to disclose to the buyer the price of additional products, services, or other items, if the sales contract includes a charge for those items; 4) require car dealers who finance a motor vehicle sale to disclose the buyer's credit score, the range of possible credit scores established by the credit reporting agency, and provide the buyer a written notice regarding credit scores. *Substantially similar provisions were enacted by AB 68 (Montanez, Chapter 128, Statutes of 2005).*

**SB 731
Torlakson**

State and Local Government

**Enacted
Chapter 270**

Modifies smog check inspection provisions by further defining who is exempt from smog checks.

**SB 747
Machado**

Abusive Tax Shelters and Tax Professional Discipline

Two Year Bill

Would increase penalties and professional reviews for aiders and abettors of abusive tax shelters. Also, would assess a minimum \$10,000 penalty for certain prohibited acts by tax preparers and tax shelter promoters. Additionally, would provide that being assessed a penalty for either promoting or aiding and abetting an abusive tax shelter is cause for attorney disbarment, certified public accountant decertification or tax preparer business prohibition.

**SB 796
Figueroa**

State Government Operations and Accountability

**Enacted
Chapter 686**

Establishes the Government Modernization, Efficiency, Accountability and Transparency Act of 2005. Requires until January 1, 2012, that every state agency that has a Web site and issues permits or licenses, or accepts applications, proposals, bids or similar requests to post, no later than January 1, 2007, a customer service link with specific information. Requires every state agency to televise public hearings on proposed regulations via the internet or other technology, as practicable.

**SB 839
Poochigian**

Identity Theft

Two Year Bill

Would create the Identity Theft Traffickers Act of 2005, and provide that every person with the intent to defraud, sell, transfer or convey the personal identifying information of another person without consent, or within a 12 month period acquires the personal information of 4 or more people known to the person and, which information is known to be identity theft is guilty of grand theft and punishable by imprisonment in county jail up to one year or in a state prison up to 16 months. Would provide sentence enhancements for repeat crimes or crimes against minors or uniformed service people.

**SB 894
Dunn**

Practice of Law

**Enacted
Chapter 273**

Authorizes the State Bar to pursue, in conjunction with the Superior Court, unauthorized practice of law by non-attorneys using the same civil remedies applied to former State Bar attorneys. Allows attorneys who have participated in the Attorney Diversion and Assistance Program and been placed by the State Bar Court on inactive status and complied with any and all probation conditions to receive credit for periods of inactive enrollment in the state bar towards any suspension imposed by the State Supreme Court.

**SB 914
Kehoe**

Animal Cruelty

**Enacted
Chapter 669**

Makes the selling of one or more dog(s) under eight weeks of age a punishable crime, except as provided.

(6) NEW / PROPOSED REGULATORY PROGRAMS

**AB 485
Arambula**

Master Business License Center: Feasibility Study

Two Year Bill

Would require the State and Consumer Services Agency to conduct a feasibility study on the creation of a Master Business License Center.

**AB 634
Lieber**

International Marriage Brokers

Two Year Bill

Would, among other things, require the Department of Consumer Affairs (Department) to promulgate regulations that require every international marriage broker to apply for and receive a license from the Department, and require the Department to charge a fee to cover the costs of licensing.

**AB 770
Mullin**

Common Interest Developments: Ombudsperson

Two Year Bill

Would establish an Office of the Common Interest Development Ombudsperson (Ombudsperson) within the Department of Consumer Affairs, to be funded by a fee on common interest development (CID) associations. The Ombudsperson would be required, among other things, to do the following: offer training materials and courses to CID directors, officers, and owners, in subjects relevant to the operation of a CID and on the rights and duties of an association or owner; maintain a toll-free telephone number and Internet Web site for purposes of further providing that information and assistance; and provide assistance in resolving CID disputes.

**AB 920
Aghazarian**

California Physicians Corps Program

**Enacted
Chapter 317**

Moves the Steven M. Thompson Physician Corps Loan Repayment Program and the Volunteer Physician Program from the Medical Board of California to the Health Professions Education Foundation within the Office of Statewide Health Planning and Development as of July 1, 2006

SB 412
Figueroa

Massage Therapy

Two Year Bill

Would create the nonprofit Massage Therapy Organization, delegating authority and outlining specific requirements, for the purpose of issuing certificates to massage therapists and massage practitioners, provided they meet certain qualifications, as defined. These provisions would sunset January 1, 2010.

SB 551
Lowenthal

Common Interest Developments: Ombudsperson

Two Year Bill

Would establish an Office of the Common Interest Development Ombudsperson (Ombudsperson) within the Department of Consumer Affairs, to be funded by a fee on common interest development (CID) associations. The Ombudsperson would be required, among other things, to do the following: offer training materials and courses to CID directors, officers, and owners, in subjects relevant to the operation of a CID and on the rights and duties of an association or owner; maintain a toll-free telephone number and Internet Website for purposes of further providing that information and assistance; and provide assistance in resolving CID disputes.

(7) TELECOMMUNICATIONS

AB 225
Negrete
McLeod

Remuneration for Processing Electronic Prescriptions

Two Year Bill

Would make an exception to the "anti-kickback law" which makes it a crime for health care providers to offer, deliver, receive, or accept money or other consideration for the referral of patients, clients, or customers to any person, with certain exceptions. Specifically, it would allow the provision of nonmonetary remuneration, in the form of hardware, software, or information technology and training services, that is necessary and used solely to receive and transmit electronic prescription information in accordance with the standards set forth in federal law.

AB 1082
Ruskin

Mobile Phone Services: Consumer Protection Rules

Two Year Bill

Would state legislative intent to establish substantial consumer protections related to mobile telephony services, and establish additional protections related to information obtained by the telephone corporation about a consumer's social security number, credit history, personal financial information, e-mail address, and phone usage. This bill would require the Public Utilities Commission to establish these rules prior to July 1, 2006.

SB 402
Campbell

Telecommunications: Internet Affirmative Consent

Enacted
Chapter 495

Allows a mobile telephone service provider to obtain a subscriber's affirmative consent on an Internet Web site for inclusion of the subscriber's phone number in a public directory assistance database.

Would require the Public Utilities Commission (PUC) to establish and enforce various consumer protection rules by July 1, 2006. If the PUC fails to establish their own rules by this date, then the requirements set forth in this bill would become effective and the PUC would no longer be able to establish their own rules.